

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

IN RE:
OSVALDO FERNANDEZ

CASE NO: 18-60042 - RBK

Debtor

CHAPTER 13

**TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S
PROPOSED CHAPTER 13 PLAN**

COMES NOW RAY HENDREN, the Chapter 13 Trustee in the above captioned case, and moves this Honorable Court to deny confirmation of Debtor's proposed Chapter 13 plan . In support, the Trustee would represent to the Court the following :

1. Debtor(s) filed a voluntary petition on January 29, 2018. The meeting of creditors pursuant to Bankruptcy Code section 341 was scheduled for March 28, 2018 and reset to April 4, 2018 and concluded. The Confirmation hearing was set for March 28, 2018 and was reset to April 25, 2018. Debtor filed an amended Plan on April 17, 2018 and the Confirmation hearing was reset to May 16, 2018. The plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral, and approximately 100% of each unsecured allowed claim.
2. Debtor has proposed that mortgage payments being conduit with the Trustee as the disbursing agent. The Trustee asserts the debtor is required to have the full monthly plan payment paid into the Trustee prior to the date of disbursement in the month the payment is due. The debtor failed to make a plan payment in March. The debtor is currently in arrears to the Trustee in the amount of \$810 and the April plan payment of \$2,410.00 has not been received. Failure to make full payments to the Trustee may result in debtor material default of debtor's conduit mortgage payment.
3. The Trustee requests the debtor provide VA Disability statements, bank statements for the 2 months immediately preceding the month of filing the Plan through the current month and if required to file, the 2017 tax return. The Trustee would show, pursuant to Section 4.1 of the Plan, the debtor is required to remit to the Trustee any amount of the debtor's tax refund that exceeds \$2,000.00 and increase the base by that amount.

WHEREFORE, PREMISES CONSIDERED, the Chapter 13 Trustee Ray Hendren requests that the Court deny confirmation of the proposed Chapter 13 Plan, allowing Debtor 14 days from the date of hearing to amend the plan in accordance with the terms of the Trustee's objections as stated above or dismiss or convert the case or face dismissal of the case without the need for a further

hearing upon the Trustee's submission of an Order Summarily Dismissing Case. The Trustee further requests such other and further relief to which he may show himself justly entitled.

Dated: April 27, 2018

Respectfully Submitted

/s/Ray Hendren

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**United States Bankruptcy Court
Western District of Texas
Waco**

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CERTIFICATE OF SERVICE

I, Ray Hendren, hereby certify that a true and correct copy of the attached document was served upon the following parties via electronic means as listed on the Court's ECF noticing system or by regular mail on **April 27, 2018**.

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/s/ Ray Hendren

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